

Application No. 09/998,063
Response to Office Action

Customer No. 01933

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

ALLOWABLE SUBJECT MATTER

The Examiner's indication of the allowability of the subject matter of claims 9-11 is respectfully acknowledged. These claims, however, have not been rewritten in independent form at this time since, as set forth in detail hereinbelow, it is respectfully submitted that their parent claim 7 also recites allowable subject matter.

THE CLAIMS

Claims 1 and 7 have been amended to clarify the feature of the present invention whereby the first and second photographic images include respective photographic objects and respective first and second backgrounds that both include a common third object.

In addition, claim 1 has been amended to clarify the feature of the present invention whereby the degree of agreement is calculated based on the image data corresponding to the first and second backgrounds of the photographic images.

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In addition, claim 8 has been amended to clarify the feature of the present invention whereby the obtaining section obtains a composite position of the first photographic image and the second photographic image at which the first background and the second background agree with each other.

Still further, claims 1-11 have been amended to better accord with amended independent claims 1 and 7 and/or to more clearly recite the features of the present invention in better U.S. form. The informality in claim 11 pointed out by the Examiner has been corrected.

It is respectfully submitted that all of the amendments to the claims are supported by the disclosure in the specification. See, for example, the disclosure in the specification at page 10, line 9 to page 11, line 16 with respect to claim 1; the disclosure in the specification at page 17, lines 5-12 with respect to claim 2; the disclosure in the specification at page 15, line 16 to page 16, line 15 with respect to claim 4; the disclosure in the specification at page 20, line 19 to page 22, line 10 and Fig. 6 with respect to claim 7; and the disclosure in the specification at page 22, line 11 to page 23, line 8 with respect to claim 8.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

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THE PRIOR ART REJECTION

Claims 1-8 were rejected under 35 USC 102 as being anticipated by USP 5,982,350 ("Hekmatpour"). This rejection, however, is respectfully traversed.

According to the present invention as recited in amended independent claims 1 and 7, a composite image is produced from a first photographic image comprising a marked photographic object and a first background and a second photographic image comprising a second photographic object and a second background, wherein the first background and the second background include a common third object.

According to the present invention as recited in amended independent claim 1, a degree of agreement is calculated between image data corresponding to the first background and image data corresponding to the second background, and an image of the marked photographic object is pasted into the second photographic image at a position at which the degree of agreement is highest.

According to the present invention as recited in amended independent claim 7, moreover, a display section semi-transparently displays the first photographic image and the second photographic image such that the second photographic image is superposed on the first photographic image.

And according to the present invention as recited in amended claim 8 depending from claim 7, an obtaining section obtains a

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composite position of the first photographic image and the second photographic image at which the first background and the second background agree with each other, and the display section superposes the second photographic image on the first photographic image based on the composite position.

By contrast, it is respectfully pointed out that according to Hekmatpour et al the composite image 60 is formed from a separate background element 54, first foreground element 56 and second foreground element 58. As shown in Fig. 3 of Hekmatpour et al, neither the first foreground element 56 nor the second foreground element 58 includes a background image. In addition, as can be clearly seen in Fig. 3 of Hekmatpour et al, none of the background element 54, first foreground element 56 and second foreground element 58 includes any object in common.

Thus, it is respectfully submitted that none of the background element 54, first foreground element 56 and second foreground element 58 of Hekmatpour et al corresponds to either the first photographic image or second photographic image of the present invention as recited in amended independent claims 1 and 7, since the first and second photographic images of the claimed present invention include both an object and a background, and the backgrounds of the first and second photographic images include an object in common (the "third object" in claims 1 and 7).

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Thus, it is respectfully submitted that according to Hekmatpour et al, a degree of agreement between image data corresponding to the first background and image data corresponding to the second background clearly cannot be calculated to determine a pasting position of the marked object in the second photographic image at which the degree of agreement is highest, in the manner of the present invention as recited in amended independent claim 1. And it is respectfully submitted that Hekmatpour et al also clearly does not disclose, teach or suggest obtaining a composite position of the first photographic image and the second photographic image at which the first background and the second background agree with each other to perform superposing based on the composite position, in the manner of the present invention as recited in amended claim 8 depending from claim 7.

On page 4 of the Office Action, the Examiner asserts that the car is displayed semi-transparently on the buildings in composite negative 8 in Fig. 1 of Hekmatpour et al.

It is respectfully pointed out, however, that if the car were indeed displayed semi-transparently, then the background of the image would be partly visible behind the car. However, this is not the case in the composite negative 8 of Hekmatpour et al. Indeed, it is respectfully pointed out that the entire silhouette of the car is blacked-out in the background image as shown in bi-

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pack positive 7 in Fig. 1 of Hekmatpour et al. Since the buildings behind the car have been blacked-out in Fig. 1 of Hekmatpour et al, it is respectfully pointed out that the car cannot be semi-transparent to partially show the buildings behind the car in composite negative 8 in Fig. 1 of Hekmatpour et al, and it is respectfully pointed out that the blacked-out background area clearly cannot be semi-transparently displayed, since it is not even present.

It is respectfully submitted, therefore, that Hekmatpour et al also does not disclose, teach or suggest the feature of the present invention as recited in amended independent claim 7, whereby a display section semi-transparently displays the first photographic image and the second photographic image such that the second photographic image is superposed on the first photographic image.

In view of the foregoing, it is respectfully submitted that amended independent claims 1 and 7, as well as claims 2-6, 8 and allowable claims 9-11 respectively depending therefrom, all clearly patentably distinguishes over Hekmatpour et al, under 35 USC 102 as well as under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.


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If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,


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